



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FONG et al.	Examiner:	Unassigned
Serial No.:	10/813,562	Group Art Unit:	3729
Filed:	March 30, 2004	Docket No.:	HSJ920030165US1 (HITG.048PA)
Title:	METHOD FOR CONTROLLING A BURNISH CYCLE TO MINIMIZE CYCLE TIME		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2004.

By: Kathleen McDevitt
Kathleen McDevitt

PETITION REGARDING MISSING PAGE IN USPTO RECORD COPY
OF PATENT APPLICATION under 37 CFR 1.53(e)(2)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being filed in response to a Notice to File Missing Parts which states that page 10 of the specification was omitted from the application at the time the papers were deposited in the U.S. Patent and Trademark Office on March 30, 2004.

Applicants' Attorney of Record respectfully submits that the Notice of Omitted Item was issued in error due to the fact that page 10 was submitted with the application papers on March 30, 2004. Applicants request that the USPTO acknowledge submission of page 10 of the specification and accord the filing date of March 30, 2004. The details follow below.

08/23/2004 BSAYAS12 00000165 502587 10813562

01 FC:1460 130.00 DA

Discussion

Pursuant to MPEP § 503, “[i]f a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).” On March 30, 2004, Applicants’ Attorney of Record filed a patent application and attached a self-addressed postcard which specifically identified the items being deposited with the USPTO (Exhibit A). In accordance with MPEP § 503, the postcard identified the Applicants’ name(s); title of invention; number of pages of specification, claims, and sheets of drawing; whether oath or declaration is included; list of any additional forms included with the application; and amount and manner of paying the fee. Applicants’ Attorney of Record provided all of the required information on the postcard which “serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO” (MPEP § 503).

On June 15, 2004, a Notice to File Missing Parts of Nonprovisional Application was mailed to the Applicants’ Attorney of Record. Applicants’ Attorney of Record has concurrently filed with this petition the basic filing fee, an executed declaration, and the late filing fee in order to perfect the patent application filing. Additionally, the Notice to File Missing Parts of Nonprovisional Application stated that Page 10 of the specification was omitted. Based on the facts provided above, Applicants’ Attorney of Record believes the patent application was filed in its entirety. Withdrawal of the Notice regarding the omitted page is requested. As previously mentioned, at the time of filing

the patent application, a self-addressed postcard was included with the filed application. The post card was returned by the USPTO with a stamp bearing the filing date and assigned serial number. According to MPEP § 503, “[i]f any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.” The postcard did not indicate any items were not received by the USPTO. Hence, this is “prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO” (see Exhibit A). Therefore, page 10 of the specification was received by the USPTO.

Remarks

It is believed that this petition is timely filed under 37 C.F.R. §1.181(f), since the Notice to File Missing Parts was issued June 15, 2004.

Further, Applicants respectfully request that the USPTO withdraw its statement of page 10 of the application being missing and acknowledge that all pages of the specification were received as evidenced by the unaltered postcard returned by the USPTO to the Applicants' Attorney of Record.

Enclosed with this petition is a copy of page 10 of the specification, the missing page in USPTO's record copy of the patent application. Applicants request that the USPTO acknowledge submission of page 10 and accord the filing date of March 30, 2004.

By way of this petition, Applicants give permission to charge Deposit Account No. 50-2587 (HSJ920030165US1) in the amount of \$130.00 for the Petition fee. However, Applicants request that the petition fee be refunded once it is determined that the item was previously received by the USPTO.

Respectfully submitted,

Crawford Maunu, PLLC
1279 Northland Drive, Suite 390
Mendota Heights, Minnesota 55120
651-686-6633 Ext. 116

Date: Aug 16, 2004

By: _____

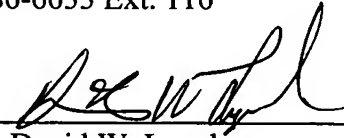

David W. Lynch
Reg. No. 36,204



EXHIBIT A

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant FONG ET AL.

For: METHOD FOR CONTROLLING A BURNISH CYCLE TO MINIMIZE CYCLE TIME

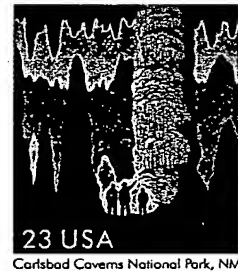
Docket No.: HSJ920030165US1 (HITG.048PA)

Express Mail No.: EV 418823136 US

Date of Deposit: March 30, 2004

- ☒ Transmittal sheet containing Certificate under 37 CFR 1.10.
- ☒ Patent Application: Pages Numbered 1-19, with 1pg. Abstract; 15 claims.
- ☒ 7 sheets of formal drawings, having Figures 1-9.
- ☒ An unexecuted Declaration, 3 pages.
- ☒ An Information Disclosure Statement (2 pages); and PTO Form 1449.
- ☒ Please defer payment of the filing fees.
- ☒ 2 Return Postcards

Patent



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